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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,380	07/13/2004	Yoji Utsumi	88528.0009	7580
26021	7590	05/02/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,380

Applicant(s)

UTSUMI ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 11/12/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for application number 10/501,380, Engine Fastening Structure, filed on 7/13/04. Claims 1-10 are pending.

Information Disclosure Statement

The information disclosure statement submitted on 7/13/04 and 11/12/04 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Objections

Claims 1-10 are objected to because of the following informalities: Appropriate correction is required.

The claims contain various informal phrases to the extent that it is confusing as to what limitations are intended to be claimed. Although only a few are listed below, the claims should be proofread for all issues containing improper grammatical phrases.

Some examples are listed below:

Claim 1 recites, "in which the crankshaft bearing is inserted to be fitted"

Claim 1 recites, for supporting a crankshaft bearing is insert cast in an aluminum alloy"

Claim 3 recites, "a connecting boss portion is provided which is disposed so as to overlap the cylinder axis"

In addition, the applicant must clarify whether the following elements are intended to be positively claimed or merely a suggested environment for use of the fastening device.

crankcase, crankshaft, bearing, cylinder, balance shaft

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. United States Patent Publication No. 2005/026887 to Hashimoto et al.

The publication to Hashimoto et al. discloses applicant's basic inventive concept, including disclosing a fastening structure (16, 17) having right and left bearing members that have a bearing portion (29, 30) which surrounds the circumference of a journal portion of a crankshaft (18), a journal collar (29c), that is formed as a separate unit from the bearing portion which is inserted into the bearing portion so as to be disposed in place therein and which the crankshaft bearing is inserted to be fitted, connecting boss portions (30c) wherein the cylinder side end face of the connecting boss is embedded inwardly without being exposed to a cylinder body side mating surface of the crankcase, the bosses which are integrally formed in such a manner as to extend toward a cylinder

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body side from the sides of the bearing portion which are situated opposite across to overlap the cylinder axis as viewed in a direction in which the crankshaft extends and connecting bolts (33) are screwed into the boss portions and a balance shaft (19) which is supported by a bearing member and so as to be situated between the crankshaft and the connecting boss portions as viewed in a direction normal to a plane containing the cylinder bore axis and a crankshaft axis and the balancer shaft is disposed in parallel with the crankshaft. Hashimoto et al. discloses wherein the crankcase (13, 14) is divided in right and left portions and that the bearing member is embedded in a side wall of the each of the portions and balancer weight (50) which also connected the two crankcase sections together and a flange (49) that abuts the outer face of the bearing member on one end of the balancing shaft (19) and a threaded portion (36) on the other end and a gear (18b) is provided on the crankshaft near its end with the diameter smaller than that of the crankshaft collar (29c).

Hashimoto et al. does not specifically teach that the device is made from an iron aluminum alloy. This is official notice that any suitable material could be used in the above application and that the selection of which is an obvious design choice for the fastening structure, the iron aluminum used for its strength and durability characteristics. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of to have made the device of a suitable material such as an iron aluminum alloy in order to have a device that is durable and strong.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various engine supports structures

2006/0081211 to Genter

6036163 to Yamada

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
4/25/06